

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP NO. 17605-CAT of 2006

DATE OF DECISION: 9.11.2006

Union of India and others Petitioners.

Versus

Central Administrative Tribunal and another Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. S.K.Sharma, Advocate for the petitioners.

J.S. Khehar, J.(oral)

Pirthi Paul Singh Saini respondent No.2 was inducted into the service of the petitioner as Superintendent B/R Grade II in 1966. He was first promoted as Superintendent Grade I and then as an Assistant Engineer in the years 1973 and 1995 respectively. In March 1995, while respondent No.2 was serving in the office of the Garrison Engineer (AF), the issue of misappropriation of 1800 bags of cement in connivance with the contractor arose. After the matter was examined and investigations completed by a Board of Officers, a first information report was registered against respondent No. 2 on 17.1.1997 under sections 407/467/468/471 of the Indian Penal Code. Although respondent No.2 was placed under suspension, consequent upon the registration of the

aforesaid first information report, after a few years he was reinstated into service. After his reinstatement, respondent No.2 retired on attaining the age of superannuation on 30.4.2004. Consequently, his retiral benefits were provisionally determined on the basis of the emoluments which he was drawing at the said juncture.

The trial Court acquitted respondent No.2 of all the charges on 25.9.2004. Despite the acquittal of respondent No.2, it is not a matter of dispute, that a criminal appeal has been preferred against the order of acquittal, which is pending before this Court (Criminal Appeal No.199-DB of 2005).

Consequent upon the acquittal of respondent No.2, he claimed all the emoluments, of which he was deprived of during his service career, as well as, retiral benefits on a recalculation of his emoluments. This plea of respondent No.2 has been upheld by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, while disposing of Original Application No.671-PB of 2005 on 4.4.2006. The order dated 4.4.2006 is subject matter of challenge at the hands of the petitioners, through the instant writ petition.

Having examined the controversy raised by respondent No.2, we are satisfied that the Tribunal was fully justified in allowing all the consequential benefits, which became payable to respondent No.2 on account of deprivation due to the registration of the aforesaid first information report dated 17.1.1997. We are satisfied that the cause and effect of the first information report came to be completely wiped out on the acquittal of respondent No.2 in the criminal case instituted against him, on 25.9.2004. For the reasons recorded above, we find no

justification in interfering in the well reasoned order passed by the Tribunal.

Dismissed.

(J.S. Khehar)
Judge

November 9, 2006.
vig

(S.D. Anand)
Judge